IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 9678 of 2005

Between:

1 P.Malakonda Reddy S/o.Malakonda Reddy
R/o.Jaldankki, Jaldanki Mandal, Nellore District.
2 V.Balaiah S/o.Kotaiah
R/o.Kammapalem, Jaldanki Mandal, Nellore District.
3 Gannmameneni Subba Raidu S/o.Subbaiah,
R/o.Kammapalem,Jaldanki Mandal, Nellore District.
4 M.Venkateswarlu S/o.Peraiah
R/o.Kammapalem,Jaldanki Mandal, Nellore District.
5 P.Madhu Mohana S/o.Malakonda Reddy
R/o.Jaldankki, Jaldanki Mandal, Nellore District.

..... PETITIONERS

AND

1 The District Collector, Nellore.
2 The Divisional Engineer, Somasila Project Kavali, Nellore District.
3 The Executive Engineer S.P.Division No.11, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in not taking any action on the representations dt.18.11.2004 and 20.11.2004 and in allowing illegal extraction and diversion of water from Bramanjkaraka Major Ayakat by destroying the bund and consequently direct the respondents to take immediate action on the above representations submitted by the petitioners forthwith and pass such other order or orders.

Counsel for the Petitioners: MR.T.RAJENDRA PRASAD

Counsel for the Respondents: GP FOR IRRIGATION & COMM AREA DEV.

The Court at the stage of admission made the following :

O R D E R:

The writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the action of the respondents in not taking any action on the representations dated
18-11-2004 and 20-11-2004 and in allowing illegal extractions and diversion of water from Bramanjkaraka Major Ayakat by destroying the bund as illegal and arbitrary.

The petitioners herein are the small farmers cultivating the lands located within Brahman Kaka Major Ayakat with the spring water coming from the above major Ayakat. In the affidavit filed in support of the writ petition it is stated that some of the farmers have destroyed the bund of the canal on the western side of Kavali Udayagiri Road at a distance of 400 furlongs from that road and illegally laid pipe line nearer to siphon. As a result of which, the petitioners are unable to get water for cultivating their lands. Aggrieved by the action of some of the farmers, the petitioners made representations dated 18-11-2004 and 20-11-2004 before the respondents. It is the case of the petitioners that the respondents neither passed any orders on the above said representations nor stopped the illegal extraction and unauthorized diversion of water by destroying the bund. Aggrieved by the same, the present writ petition has been filed.

Having heard the learned counsel for the petitioners and the learned Government Pleader for Irrigation, since the representations dated 18-11-2004 and 20-11-2004 made by the petitioners are pending for consideration before the respondents, it is for the respondents to consider and dispose of the said representations which are of the year 2004. Therefore, I am not inclined to express any opinion on merits of the case. Instead, I deem it appropriate to dispose of the writ petition with a direction to the respondents to consider and dispose of the representations dated 18-11-2004 and 20-11-2004 made by the petitioners in accordance with law, as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of the order.

With the above direction, the writ petition is disposed of. No costs.

27-04-2005

Mjl/*

To,

1 The District Collector, Nellore.
2 The Divisional Engineer, Somasila Project Kavali, Nellore District.
3 The Executive Engineer S.P.Division No.11, Nellore District.

4. 2 CCs to GP FOR IRRIGATION & COMM AREA DEV., High Court buildings, Hyderabad.

5. 2 CD copies.